

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                         |   |                       |
|-------------------------|---|-----------------------|
| KENA HARRIS, et al.,    | ) |                       |
|                         | ) | 8:09CV349             |
| Plaintiffs,             | ) |                       |
|                         | ) |                       |
| v.                      | ) | AMENDED ORDER SETTING |
|                         | ) | PROGRESSION OF CASE   |
| OLEG VELICHKOV, et al., | ) |                       |
|                         | ) |                       |
| Defendants.             | ) |                       |

This matter is before the court on the parties' Joint Motion for Enlargement of Deadlines for Progression of Case ([Filing No. 60](#)). Upon consideration and for good cause shown,

**IT IS ORDERED:**

1. The parties' Joint Motion for Enlargement of Deadlines for Progression of Case ([Filing No. 60](#)) is granted.

2. **Motions for Summary Judgment.** Motions for summary judgment shall be filed not later than **February 25, 2011**. See NECivR 56.1 and 7.0.1.

3. **Disclosure of Expert Witnesses.**<sup>1</sup> Each plaintiff, counter-claimant, and cross-claimant shall, as soon as practicable but not later than **January 14, 2011**, serve all opposing parties with the statement required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness it expects to call to testify at trial pursuant to the provisions of Rule 702, 703 or 705, Fed. Rules of Evidence. Each defendant, counter-defendant, and cross-defendant shall serve its statement of the expert witnesses it expects to call to testify pursuant to Rule 702, 703 or 705, Fed. Rules of Evidence, pursuant to Fed. R. Civ. P. 26(a)(2) as soon thereafter as practicable, but not later than **February 28, 2011**. If necessary to refute the disclosed opinions of an expert witness of an opponent, a plaintiff, counter-claimant, or cross-claimant may disclose additional expert witnesses not later than **March 18, 2011**, provided that the disclosing party then provides all of the information described in Fed. R.

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<sup>1</sup> A treating physician must be identified pursuant to Fed. R. Civ. P. 26(a)(2)(A), but a treating physician is not deemed to be "retained or specially employed to provide expert testimony in a case" so as to require a written report under Fed. R. Civ. P. 26(a)(2)(B).

Civ. P. Rule 26(a)(2) **and** makes the expert witness available for deposition prior to the date set for completion of depositions. Supplementation of these disclosures, if originally made prior to these deadlines, shall be made on these deadlines as to any information for which supplementation is addressed in Fed. R. Civ. P. 26(e). The testimony of the expert at trial shall be limited to the information disclosed in accordance with this paragraph.

4. **Motions in Limine.** Motions *in limine* challenging the admissibility of expert testimony at trial under Fed. R. Evid. 702 shall be filed by **April 6, 2011**. See ***Kumho Tire Co., Ltd. v. Carmichael***, 526 U.S. 137 (1999); ***Daubert v. Merrell-Dow Pharms.***, 509 U.S. 579 (1993). The motions should be accompanied by a request for a hearing, if necessary. Failure to timely move for a hearing may constitute waiver of the request for a hearing.

5. **Planning Conference.** A telephone conference with the undersigned magistrate judge remains scheduled for **January 10, 2011, at 10:00 a.m. Central Standard Time** for the purpose of reviewing the preparation of the case to date and the scheduling of the case to trial. **Plaintiffs' counsel shall initiate the call.**

Dated this 25th day of October, 2010.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge